IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928

WP(C).No. 32282 of 2006(R)

PETITIONER:

C.G.NARAYANAN KUTTY,
MANAGING PARTNER,
CHITRA CERAMICS, PUDUKKAD,
THRISSUR DISTRICT.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KODAKARA, THRISSUR.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, PUDUKKAD,
THRISSUR DISTRICT.

S.C. SRI. JOSE J. MATHEIKEL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NO. 32282 OF 2006

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DATED THIS, THE 2ND DAY OF JANUARY, 2007

J U D G M E N T

The main contention raised in this writ petition is that Ext.P7 demand is barred by limitation provided as per Section 56(2) of the Electricity Act, 2003.

2. Learned counsel for the respondent Board brought to my notice the decision of a Division Bench of this Court in **Abdul Nazer v. K.S.E.B.** (2006(1) KLT 811) wherein this Court held that Section 56(2) operates only prospectively and arrears due prior to the coming into force of the Electricity Act, 2003 could be recovered by revenue recovery proceedings since no time limit has been prescribed. As such this decision is squarely applicable to this case also.

2. Learned counsel for the petitioner, however, submitted that there are other grounds raised in the writ petition against which he has got a remedy by way of filing an appeal. In such circumstances, he seeks to withdraw this writ petition with liberty to file an appeal before the appellate authority.

With leave and liberty as sought for, this writ petition is closed.

P.R. RAMAN,
(JUDGE)

knc/-